

Judge Ricardo S. Martinez

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA, )  
Plaintiff, ) NO. MS08-87RSM  
v. ) PRELIMINARY INJUNCTION  
FRANK F. COLACURCIO, SR., *et al.*, )  
Defendant. )

THIS MATTER having come before this Court on motion of the United States of America for a Preliminary Injunction, pursuant to Title 18, United States Code, Section 1963(d)(1)(B), to enjoin, restrain, and prohibit Frank Francis Colacurcio Sr., Frank Francis Colacurcio Jr., Leroy Richard Christiansen, John Gilbert Conte, Steven Michael Fueston, David Carl Ebert, Phillip McKibben, Dean Reiber, Talents West Inc., Talents West II LLC, Accurate Bookkeeping Service Inc., D.C.E. Inc., LLC Lake City, d/b/a Rick's, MM MR RM Corporation, Club 21 LLC, d/b/a Sugar's, LLC Everett I, P.D. & M.K. I LLC, d/b/a Honey's, LLC Foxes II, d/b/a Fox's, and any of their agents, nominees, or anyone acting at their direction or on their behalf, from disposing of, encumbering, diminishing or wasting certain real properties subject to forfeiture pursuant to 18 U.S.C. §1963(a); and after the hearing held on June 19, 2008, on the United States' request to enter a Preliminary Injunction pursuant to 18 U.S.C. §1963(d)(1)(B), with respect to the real properties described in Attachment A, hearing the arguments of the

1 parties and reviewing the Temporary Restraining Order Application, the Affidavit of FBI  
 2 Special Agent Cory Cote excluding Appendix A thereto which remains under seal, the  
 3 Affidavit of IRS Special Agent Eric Mooshegian, and being otherwise fully advised, the  
 4 Court finds that:

5 There is a substantial probability that, in the event of the conviction under 18  
 6 U.S.C. § 1962 of Frank Francis Colacurcio Sr., Frank Francis Colacurcio Jr., Leroy  
 7 Richard Christiansen, John Gilbert Conte, Steven Michael Fueston, David Carl Ebert,  
 8 Talents West Inc., Talents West II LLC, Accurate Bookkeeping Service Inc., D.C.E. Inc.,  
 9 LLC Lake City, d/b/a Rick's, MM MR RM Corporation, Club 21 LLC, d/b/a Sugar's,  
 10 LLC Everett I, P.D. & M.K. I LLC, d/b/a Honey's, and/or LLC Foxes II, d/b/a Fox's, the  
 11 United States will prevail on the issue of the forfeiture of the real properties described in  
 12 Attachment A under 18 U.S.C. §1963(a), that failure to enter the order will result in the  
 13 property being destroyed, removed from the jurisdiction of the court, or otherwise made  
 14 unavailable for forfeiture, and that the need to preserve the availability of the property  
 15 through the entry of the Preliminary Injunction outweighs the hardship on any party  
 16 against whom it is entered.

17 THEREFORE, IT IS HEREBY ORDERED AND DECLARED THAT:

18 1. Frank Francis Colacurcio Sr., Frank Francis Colacurcio Jr., Leroy Richard  
 19 Christiansen, John Gilbert Conte, Steven Michael Fueston, David Carl Ebert, Phillip  
 20 McKibben, Dean Reiber, Talents West Inc., Talents West II LLC, Accurate Bookkeeping  
 21 Service Inc., D.C.E. Inc., LLC Lake City, d/b/a Rick's, MM MR RM Corporation, Club  
 22 21 LLC, d/b/a Sugar's, LLC Everett I, P.D. & M.K. I LLC, d/b/a Honey's, LLC Foxes II,  
 23 d/b/a Fox's, their agents, servants, employees, successors in interest, attorneys, family  
 24 members, and those persons in active concert or participation with them, are hereby  
 25 restrained, without prior approval of the Court and notice to the United States and an  
 26 opportunity for the United States to be heard, from taking any action: (a) to alienate,  
 27 dissipate, transfer, sell, assign, pledge, encumber, waste or dispose of, in any manner,  
 28 directly or indirectly; (b) to cause to be alienated, dissipated, transferred, sold, assigned,

1 leased, pledged, encumbered, wasted, or disposed of in any manner; or (c) to take, or  
2 cause to be taken, any action which could have the effect of depreciating, damaging, or in  
3 any way diminishing the value or marketability of any of the real properties described in  
4 Attachment A to this Injunction.

5       2. If any of the real properties described in Attachment A have been  
6 transferred, sold, or encumbered since March 1, 2008, Frank Francis Colacurcio Sr.,  
7 Frank Francis Colacurcio Jr., Leroy Richard Christiansen, John Gilbert Conte, Steven  
8 Michael Fueston, David Carl Ebert, Phillip McKibben, Dean Reiber, Talents West Inc.,  
9 Talents West II LLC, Accurate Bookkeeping Service Inc., D.C.E. Inc., LLC Lake City,  
10 d/b/a Rick's, MM MR RM Corporation, Club 21 LLC, d/b/a Sugar's, LLC Everett I, P.D.  
11 & M.K. I LLC, d/b/a Honey's, and LLC Foxes II, d/b/a Fox's shall account to the Court  
12 for the disposition and location of the proceeds of such action.

13       3. Frank Francis Colacurcio Sr., Frank Francis Colacurcio Jr., Leroy Richard  
14 Christiansen, John Gilbert Conte, Steven Michael Fueston, David Carl Ebert, Phillip  
15 McKibben, Dean Reiber, Talents West Inc., Talents West II LLC, Accurate Bookkeeping  
16 Service Inc., D.C.E. Inc., LLC Lake City, d/b/a Rick's, MM MR RM Corporation, Club  
17 21 LLC, d/b/a Sugar's, LLC Everett I, P.D. & M.K. I LLC, d/b/a Honey's, and LLC  
18 Foxes II, d/b/a Fox's shall maintain the present condition of the real properties described  
19 in Attachment A, including timely payment of all mortgage or other payments on  
20 indebtedness secured by the properties, and payment of all insurance, utilities, taxes and  
21 assessments due, until further order of the Court, and to provide certification of such to  
22 the United States within forty-eight hours of receiving a request for the same.

23       4. This Injunction shall be binding upon the successor and assigns of each of  
24 the parties named herein, and no such party may assign any interest covered by this  
25 Injunction without the prior written consent of this Court, after notice to the United States  
26 Attorney and the opportunity to be heard.

27       5. Nothing in this Injunction shall be held to excuse compliance by Frank  
28 Francis Colacurcio Sr., Frank Francis Colacurcio Jr., Leroy Richard Christiansen, John

1      Gilbert Conte, Steven Michael Fueston, David Carl Ebert, Phillip McKibben, Dean  
2      Reiber, Talents West Inc., Talents West II LLC, Accurate Bookkeeping Service Inc.,  
3      D.C.E. Inc., LLC Lake City, d/b/a Rick's, MM MR RM Corporation, Club 21 LLC, d/b/a  
4      Sugar's, LLC Everett I, P.D. & M.K. I LLC, d/b/a Honey's, and LLC Foxes II, d/b/a  
5      Fox's with any and all applicable federal, state and local laws.

6            6.      The United States may request that the Court modify this Injunction if it  
7      becomes necessary to protect the government's interest in the real properties described in  
8      Attachment A.

9            7.      The United States Marshal's Service shall be allowed access to the real  
10     properties described in Attachment A, for the purpose of ascertaining the condition and  
11     value of the properties.

12           8.      The United States shall take all steps necessary to cause a copy of this  
13     Injunction, together with a notice of *lis pendens*, to be filed against each of the real  
14     properties described in Attachment A, in the county land records where the real property  
15     is located.

16           9.      The United States Attorney shall serve a certified copy of this Injunction on  
17     Frank Francis Colacurcio Sr., Frank Francis Colacurcio Jr., Leroy Richard Christiansen,  
18     John Gilbert Conte, Steven Michael Fueston, David Carl Ebert, Phillip McKibben, Dean  
19     Reiber, Talents West Inc., Talents West II LLC, Accurate Bookkeeping Service Inc.,  
20     D.C.E. Inc., LLC Lake City, d/b/a Rick's, MM MR RM Corporation, Club 21 LLC, d/b/a  
21     Sugar's, LLC Everett I, P.D. & M.K. I LLC, d/b/a Honey's, and LLC Foxes II, d/b/a  
22     Fox's. Service shall be effected by hand delivery where possible, or by overnight express  
23     service or by certified mail.

24           10.     The United States Attorney also shall serve a certified copy of this  
25     Injunction on the Bank of America and Victor Ruscigno, by certified mail, by facsimile,  
26     or by hand delivery. Bank of America, Victor Ruscigno, and any other financial  
27     institutions, entities, or individuals holding liens or mortgages on, or any other security  
28     interest in, the real properties described in Attachment A shall respond promptly to

1 requests by the United States for information on origin, payment history, financial and  
2 loan documents, and the current status of any liens, mortgages, or security interests.

3       11. This Injunction shall remain in effect for a period of ninety days unless  
4 extended by the Court for good cause shown, or until, upon notice to the United States  
5 and an opportunity to be heard, the Court makes modification of the Injunction as appears  
6 necessary in the interests of justice and consistent with the purposes of Title 18, United  
7 States Code, Section 1963(d)(1), or until an indictment or information described in Title  
8 18, United States Code, Section 1963(d)(1)(A) has been filed.

9       12. It is further ORDERED that Frank Francis Colacurcio Sr., Frank Francis  
10 Colacurcio Jr., Leroy Richard Christiansen, John Gilbert Conte, Steven Michael Fueston,  
11 David Carl Ebert, Phillip McKibben, Dean Reiber, Talents West Inc., Talents West II  
12 LLC, Accurate Bookkeeping Service Inc., D.C.E. Inc., LLC Lake City, d/b/a Rick's, MM  
13 MR RM Corporation, Club 21 LLC, d/b/a Sugar's, LLC Everett I, P.D. & M.K. I LLC,  
14 d/b/a Honey's, and LLC Foxes II, d/b/a Fox's shall be permitted to execute a satisfactory  
15 performance bond, pursuant to 18 U.S.C. § 1963(d)(1), as an alternative to the restraint of  
16 the real properties described in Attachment A. After notice to the United States and an  
17 opportunity to be heard, the Court shall determine whether any proposed bond is a  
18 satisfactory performance bond. This Injunction shall be in effect until such time as the  
19 Court determines that the proffered bond is satisfactory.

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13. This Preliminary Injunction supercedes the Temporary Restraining Order entered by this Court on June 2, 2008, and extended by the Court on June 16, 2008.

DATED this 19<sup>th</sup> day of June, 2008.

  
RICARDO S. MARTINEZ  
UNITED STATES DISTRICT JUDGE

## Presented by:

TODD GREENBERG  
RICHARD E. COHEN  
Assistant United States Attorneys  
United States Attorney's Office  
700 Stewart Street  
Seattle, Washington 98101  
Facsimile: 206-553-4440  
Phone: 206-553-2636  
E-mail:Todd.Greenberg4@usdoj.gov